

MINUTES  
MANSFIELD PLANNING AND ZONING COMMISSION  
Regular Meeting  
MONDAY, December 16, 2013  
Council Chamber, Audrey P. Beck Municipal Building

Members present: J. Goodwin (Chairman), B. Chandy, R. Hall, K. Holt, G. Lewis, B. Pociask, K. Rawn B. Ryan  
Members absent: P. Plante  
Alternates present: P. Aho, V. Ward (7:01 p.m.), S. Westa  
Staff Present: Linda Painter, Director of Planning and Development

Chairman Goodwin called the meeting to order at 7:00 p.m., and appointed alternate Aho to act in Plante's absence.

**Approval of Minutes**

**a. December 2, 2013 Regular Meeting**

Hall MOVED, Ryan seconded, to approve the 12-2-13 minutes as written. MOTION PASSED UNANIMOUSLY.

**b. December 11, 2013 Field Trip**

As the sole member on the Field Trip, Holt accepted the 12-11-13 Field Trip Minutes as presented.

**Zoning Agent's Report**

Noted.

**Old Business**

**a. Special Permit Application: Preservation Use including office, meeting and display spaces, Joshua's Tract, 624 Wormwood Hill Rd (File #1323)**

Holt and Ryan disqualified themselves. Chairman Goodwin appointed Westa and Ward to act for Holt and Ryan. Aho was already seated to act in Plante's absence.

Hall MOVED, Aho seconded, to approve with conditions the special permit application (File #1323) of Joshua's Tract and Historic Conservation Trust, Inc. to allow use of the property at 624 Wormwood Hill Road for their office and meeting space in accordance with the Preservation Use provisions of the Zoning Regulations. This approval is based on the project as described in the application dated October 29, 2013 and received by the Commission on November 4, 2013, and as shown on plans dated October 27, 2013 and as presented at a Public Hearing on December 2, 2013.

This approval is granted because the application is considered to be in compliance with Article V, Section B and other provisions of the Mansfield Zoning Regulations, and is granted with the following conditions:

1. **Extent of Approval.** This approval is specifically tied to the applicant's submissions and the conditions cited in this motion. Unless modifications are specifically authorized, the proposed uses and site improvements shall be limited to those authorized by this approval. Any questions regarding authorized uses, required site improvements and conditions cited in this approval shall be reviewed with the Zoning Agent and Director of Planning and Development, and, as deemed necessary, the PZC.
2. **Use.** Use of the property is specifically limited to the activities described in the Statement of Use.
3. **Lighting.** Lighting specifications shall be submitted for review and approval by the Director of Planning and Development to ensure consistency with the provisions of Article X, Section R.3 and R.4. Parking lot lighting shall only be on when parking lot is in use.
4. **Parking Lot.** Prior to issuance of a zoning permit, the applicant shall submit detailed plans for construction of the parking lot and access driveway to the Director of Planning and Development for

review and approval. If significant excavation is needed, additional review by the Commission may be required.

5. **Large Events.** The applicant shall provide written notification of events anticipated to attract more than 50 visitors at least 3 weeks before the event to all property owners with 500 feet of the entire property and the Director of Planning and Development. Depending on the size of the event, police details may be required for traffic control.
6. **Validity.** This permit shall not become valid until the applicant obtains the special permit form from the Planning Office and files it on the Land Records.

MOTION PASSED with all in favor except Holt and Ryan who were disqualified.

### **Public Hearings**

#### **a. Special Permit Application: Efficiency Unit, W. Javaruski, 40 Mountain Rd, (File #1324)**

Chairman Goodwin opened the Public Hearing at 7:07 p.m. Members present were Goodwin, Chandy, Hall, Holt, Lewis, Pociask, Rawn, Ryan and alternates Aho, Ward, and Westa. Aho was seated. Linda Painter, Director of Planning and Development, read the legal notice as it appeared in The Chronicle on 12/4/13 and 12/10/13 and noted the following communications: a 12/12/13 memo from L. Painter, Director of Planning and Development, and a 12/11/13 letter from K. and S. Clark.

William Javaruski, applicant, stated that no more than 2 people will reside in the efficiency unit, and there is exterior and interior access to the unit.

Painter explained there are unusual circumstances in this application as a result of the applicant previously obtaining a Small Cities Rehabilitation Loan from The Town of Mansfield. Painter explained that the loan requires that any potential tenants must meet income limits to rent the property. In order for the Commission to approve the efficiency apartment, this income requirement must be incorporated as a condition of approval.

Edward Hall, Mansfield Hollow Road, testified that the previous owners had installed a basement bathroom with the intent to eventually create a living space there.

Noting no other comments from the public or the Commission, Hall MOVED, Ryan seconded, to close the Public Hearing at 7:16 p.m. MOTION PASSED UNANIMOUSLY.

#### **b. Special Permit Application: Efficiency Unit, K. Mahoney, 26 Jonathan Lane, (File #1325)**

Chairman Goodwin opened the Public Hearing at 7:17 p.m. Members present were Goodwin, Chandy, Hall, Holt, Lewis, Pociask, Rawn, Ryan and alternates Aho, Ward, and Westa. Aho was seated. Linda Painter, Director of Planning and Development, read the legal notice as it appeared in The Chronicle on 12/4/13 and 12/10/13 and noted the following communication: a 12/11/13 memo from L. Painter, Director of Planning and Development and a 12/13/13 letter from C. Silver-Bernstein.

Kathleen Mahoney, applicant, reviewed her application stating that no more than 2 people will reside in the efficiency unit, and there is exterior and interior access to the unit.

Tom Rotchford, 736 Mansfield City Road, expressed concern that by allowing efficiency units in this subdivision of single- family homes, the character of the neighborhood will change, negatively impacting property values, and that student rentals will become the “norm” in the neighborhood.

Noting no other comments from the public or the Commission, Holt MOVED, Ryan seconded, to close the Public Hearing at 7:31 p.m. MOTION PASSED UNANIMOUSLY.

**c. Special Permit Application: Efficiency Unit, G. and D. Bogdanovich, 239 Mt. Hope Rd (File #1322)**

Chairman Goodwin opened the continued Public Hearing at 7:32 p.m. Members present were Goodwin, Chandy, Hall, Holt, Lewis, Pociask, Rawn, Ryan and alternates Aho, Ward, and Westa. Aho was seated. Linda Painter, Director of Planning and Development, noted no further communications received and stated that the Commission kept the public hearing open to allow for adequate notice time for neighbors.

Noting no comments from the public or the Commission, Hall MOVED, Ryan seconded, to close the Public Hearing at 7:33 p.m. MOTION PASSED UNANIMOUSLY.

**Old Business**

**b. Special Permit Application: Efficiency Unit, W. Javaruski, 40 Mountain Rd, (File #1324)**

Ryan MOVED, Holt seconded, to approve the November 12, 2013 application of William Javaruski to allow an efficiency dwelling unit at 40 Mountain Road in an RAR-90 zone, as shown on submitted plans and described in other application submissions and as presented at Public Hearing on December 16, 2013.

Pursuant to Article V, Section B.4 of the Mansfield Zoning Regulations, the site plan requirements contained in Section B.3.d are hereby waived as there is no proposed expansion of the building and the information is not needed to determine compliance with the zoning regulations.

This approval is granted because the application is not expected to result in any detrimental neighborhood impacts and is considered to be in compliance with Article X, Section L; Article V, Section B; and other provisions of the Mansfield Zoning Regulations, and is granted with the following conditions:

1. This approval has been granted for a one-bedroom efficiency in association with a single-family home having up to two additional bedrooms. Any increase in the number of bedrooms on this property shall necessitate subsequent review and approval from the Eastern Highlands Health District and the Planning and Zoning Commission.
2. The applicant shall install a pathway from the driveway to the exterior entrance to provide pedestrian access to the unit.
3. The owner shall either repay the outstanding housing rehabilitation loan or comply with the following terms to ensure the affordability of the efficiency unit in accordance with the Housing Rehabilitation Program Guidelines:
  - a. The rental rate for the efficiency unit shall not exceed the Section 8 Existing Fair Market Rent for a period of ten years from the issuance of a Certificate of Zoning Compliance.
  - b. Prior to executing any lease for the unit during the ten year affordability period, the owner shall direct prospective tenants to the Town for purposes of verifying that the tenant income does not exceed 80% of Area Median Income. No lease shall be executed until income verification has been provided by the Town.

- c. Should the owner choose to live in the efficiency unit and rent the main living area of the house, the same affordability restrictions apply to the rental of the home.
  4. This approval is conditioned upon continued compliance with Mansfield's Zoning Regulations for efficiency units, which include owner-occupancy requirements, limitations on the number of residents in an efficiency unit and limitations on the number of unrelated individuals that may live in a dwelling unit pursuant to the definition of Family contained in the Zoning Regulations. These limitations apply regardless of the number of bedrooms present in the home. Pursuant to Article X, Section L.2, the applicant shall submit a notarized affidavit certifying owner occupancy and a written statement regarding compliance with efficiency unit regulations every two years, starting on January 1, 2014.
  5. This special permit shall not become valid until filed upon the Land Records by the applicant.
- MOTION PASSED UNANIMOUSLY.

**c. Special Permit Application: Efficiency Unit, K. Mahoney, 26 Jonathan Lane, (File #1325)**

Ryan MOVED, Holt seconded, to approve the November 26, 2013 application of Kathleen Mahoney to allow an efficiency dwelling unit at 26 Jonathan Lane in an RAR-90 zone, as shown on submitted plans and described in other application submissions and as presented at Public Hearing on December 16, 2013.

Pursuant to Article V, Section B.4 of the Mansfield Zoning Regulations, the site plan requirements contained in Section B.3.d are hereby waived as there is no proposed expansion of the building and the information is not needed to determine compliance with the zoning regulations.

This approval is granted because the application is not expected to result in any detrimental neighborhood impacts and is considered to be in compliance with Article X, Section L; Article V, Section B; and other provisions of the Mansfield Zoning Regulations, and is granted with the following conditions:

1. This approval has been granted for a one-bedroom efficiency in association with a single-family home having up to three additional bedrooms. Any increase in the number of bedrooms on this property shall necessitate subsequent review and approval from the Eastern Highlands Health District and the Planning and Zoning Commission.
  2. The applicant shall install a pathway from the driveway to the exterior door of the unit to provide pedestrian access from the driveway to the exterior entrance.
  3. This approval is conditioned upon continued compliance with Mansfield's Zoning Regulations for efficiency units, which include owner-occupancy requirements, limitations on the number of residents in an efficiency unit and limitations on the number of unrelated individuals that may live in a dwelling unit pursuant to the definition of Family contained in the Zoning Regulations. These limitations apply regardless of the number of bedrooms present in the home. Pursuant to Article X, Section L.2, the applicant shall submit a notarized affidavit certifying owner occupancy and a written statement regarding compliance with efficiency unit regulations every two years, starting on January 1, 2014.
  4. This special permit shall not become valid until filed upon the Land Records by the applicant.
- MOTION PASSED UNANIMOUSLY.

**d. Special Permit Application: Efficiency Unit, G. and D. Bogdanovich, 239 Mt. Hope Rd. (File #1322)**

Ryan MOVED, Holt seconded, to approve with conditions the special permit application (file #1322), of D. and G. Bogdanovich, for an efficiency unit on property located at 239 Mount Hope Road, in an RAR-90 zone, as submitted to the Commission and shown on plans dated 10/28/2013 and as presented at a Public Hearing on 12/2/13 and 12/16/2013.

Pursuant to Article V, Section B.4 of the Mansfield Zoning Regulations, the site plan requirements contained in Section B.3.d.2 are hereby waived as the site plan provided was based on an A-2 survey of the as-built foundation.

This approval is granted because the application, as hereby approved, is considered to be in compliance with Article X, Section L, Article V, Section B, and other provisions of the Mansfield Zoning Regulations, and is granted with the following conditions:

1. This approval is granted for a one-bedroom efficiency unit in association with an existing single-family home having up to three additional bedrooms. Any increase in the number of bedrooms on this property shall necessitate subsequent review and approval from Eastern Highlands Health District and the Planning and Zoning Commission;
  2. This approval is conditioned upon continued compliance with Mansfield's Zoning Regulations for efficiency units, which include owner-occupancy requirements, limitations on the number of residents in an efficiency unit and limitations on the number of unrelated individuals that may live in a dwelling unit pursuant to the definition of Family contained in the Zoning Regulations. These limitations apply regardless of the number of bedrooms present in the home. Pursuant to Article X, Section L.2, the applicant shall submit a notarized affidavit certifying owner occupancy and a written statement regarding compliance with efficiency unit regulations every two years, starting on January 1, 2014;
  3. This special permit shall not become valid until filed upon the Land Records by the applicant.
- MOTION PASSED UNANIMOUSLY.

**e. Subdivision Application: 1 Lot, Storrs Center Alliance, VS-11, Wilbur Cross Way, (File 1246-18)**

The PZC briefly discussed with Attorney Tom Cody, who represented Storrs Center Alliance, LLC, the issue of whether this application should be treated as a re-subdivision. After concluding it should not, Holt MOVED, Chandy seconded, to approve with conditions the subdivision application (File #1246-18), of Storrs Center Alliance, LLC, for one lot, on property owned by the applicant, located on the east side of Wilbur Cross Way, north of Charles Smith Way, in the SC-SDD zone, as submitted to the Commission and shown on a one-page plan dated November 14, 2013, and revised to November 27, 2013.

The following requirements for the final subdivision plan are hereby waived as they are not applicable to this subdivision due to its location in the Storrs Center Special Design District: Section 6.5.d through 6.5.j, Section 6.5.m through 6.5.q., Section 6.5.s through 6.5.t, and Sections 6.7 through 6.9 of the Mansfield Subdivision Regulations. This waiver has been granted as the information has either been provided previously through the adoption of the Storrs Center Master Plan or will be provided through the Zoning Permit review process for development of the parcels established in Article X, Section S of the Zoning Regulations.

Furthermore, it is specifically noted that the provisions of the following sections of the Mansfield Subdivision Regulations are not applicable to the subdivision as there are no public improvements proposed as part of the subdivision and the remaining design standards have been addressed through the Storrs Center master plan, master storm-water drainage study and associated design guidelines: Sections 7.1 through 7.3, 7.4.a, 7.4.d through 7.4.g, 7.5 through 7.11, and Sections 8 through 15.

This approval is granted because the application, as hereby approved, is considered to be in compliance with the Mansfield Subdivision Regulations. Approval is granted with the following conditions:

1. Final plans shall be signed and sealed by the responsible surveyor and professional engineer.
2. Final plan shall include a title block with the information required by Section 6.4 of the Subdivision Regulations.
3. The following revisions shall be made to the subdivision map:
  - a. Zoning classifications of the subdivision and abutting properties shall be added pursuant to Section 6.5.c of the subdivision regulations.
  - b. Dimensions shall be added where missing.
4. The Commission, for good cause, shall have the right to declare this approval null and void if the following deadlines are not met (unless a ninety (90) or one hundred and eighty (180) day filing extension has been granted):
  - a. All final maps, including submittal in digital format, shall be submitted to the Planning Office no later than fifteen days after the appeal period provided for in Section 8-8 of the State Statutes, or, in the case of an appeal, no later than fifteen days of any judgment in favor of the applicant;
  - b. All monumentation with Surveyor's Certificate shall be completed pursuant to the Commission's approval action and Section 14 of the Subdivision Regulations no later than fifteen days after the appeal period provided for in Section 8-8 of the State Statutes, or, in the case of an appeal, no later than fifteen days, of any judgment in favor of the applicant.

MOTION PASSED UNANIMOUSLY.

**f. Pre-Application Discussion Requests**

Tabled: no new information.

**New Business**

**b. Modification to Storrs Common Special Permit, Storrs Associates, LLC , (File 888)**

Ryan MOVED, Holt seconded, that the PZC approve the modification to the sign plan for Storrs Commons to allow the Hartford Healthcare sign to be installed on the rear of the Storrs Commons building as proposed. MOTION PASSED UNANIMOUSLY.

**a. Determination of applicability of Development Area Envelope (DAE) restrictions to agricultural activities, B. Lacey, 102 Crane Hill Road**

Hall disqualified himself and Ward was appointed to act in his place.

Rawn MOVED, Aho seconded, that due to the size of the property and intended agricultural use, the PZC grants the applicant permission to conduct agricultural activities within Development Area Envelope (DAE). MOTION PASSED with all in favor except Hall who was disqualified. This action by the Commission is not intended to set a precedent.

**c. 8-24 Referral: Wilbur Cross Way Right-of-Way Adjustment (Price Chopper)**

Holt MOVED, Ryan seconded, that the PZC notify the Town Council that the proposed adjustment to the Right-of-Way for Wilbur Cross Way is consistent with Mansfield's Plan of Conservation and Development subject to a condition that the developer relocate the existing light pole to facilitate pedestrian access. MOTION PASSED UNANIMOUSLY.

**d. Water Supply Project: Review of Proposed Definitive Agreement with Connecticut Water Company**

Linda Painter, Director of Planning and Development, reviewed the referral from the Town Council and noted that the Council has requested that comments on the proposed agreement be provided before their meeting on January 13, 2014. The proposed Agreement is based on the non-binding Letter of Intent (LOI) approved by the Council in October. Painter distributed copies of the Commission's comments on the draft LOI to assist in review of the proposed agreement. Goodwin requested that Painter provide assistance to the Commission in reviewing the agreement for consistency with those earlier comments, for the Commission's meeting on January 6, 2014. Painter noted that a public information meeting was scheduled for Wednesday, December 18<sup>th</sup> at 6 p.m. in the Council Chambers, and a joint meeting of the Sustainability Committee, Four Corners Sewer and Water Advisory Committee and Conservation Commission was being scheduled for January 8, also in the Council Chambers.

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No new information.

**Reports from Officers and Committees:**

Ward noted that the Regulatory Review Committee will meet in January to prepare regulations regarding dogs and kennels, for presentation to the full Commission.

**Communications and Bills:**

None.

**Adjournment:**

The Chairman declared the meeting adjourned at 8:29 p.m.

Respectfully submitted,

Katherine Holt, Secretary